



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Department of Agriculture

☒ Permanent Rule
☐ Emergency Rule

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes ☒ No If Yes, explain:

Purpose: This rule making order increases application certification fees and field inspection fees for certain field crops certified by the Seed Program to ensure cost recovery for these services. It also decreases fees for certain services to better align the fee to the value of the service provided and corrects typographical errors.

Citation of existing rules affected by this order:

Repealed:

Amended: 16-303-020; 16-303-200; 16-303-210; 16-303-250; 16-303-310; and 16-303-320

Suspended:

Statutory authority for adoption: Chapter 25, Laws of 2003, 2003 1st Special Session, Section 309(2), RCW 15.49.310, 15.49.370(3)

Other authority: RCW 34.05

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-08-142 on 04-06-05(date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

phone () _____

Address:

fax () _____

e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: May 26, 2005

NAME (TYPE OR PRINT)

Valoria Loveland

SIGNATURE

TITLE

Director

Deputy Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 26 2005

TIME

WSR

11:38

05-12-052

AM
PM

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

The number of sections adopted at the request of a nongovernmental entity:

New	0	Amended	0	Repealed	0
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The number of sections adopted in the agency's own initiative:

New	0	Amended	6	Repealed	0
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	0	Amended	0	Repealed	0
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The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	6	Repealed	0

AMENDATORY SECTION (Amending WSR 01-01-015, filed 12/6/00, effective 1/6/01)

WAC 16-303-020 Schedule of charges--Billing policies and procedures. (1) Accounts.

(a) All billable services provided for under chapter 15.49 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service. Accounts not paid in full within thirty days of billing are considered delinquent.

(b) On all debts due and payable after July 28, 1991, all delinquent accounts are assessed a late charge equal to one and one-half percent per month, or portion of a month, on the unpaid balance.

(c) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system is twenty dollars. All billable services of less than twenty dollars are due and payable on the date that service is rendered.

(d) No person with an account ninety days or more in arrears may receive service except on the basis of payment in full at the time service is rendered. Accounts in arrears may be subject to legal action for collection and are not restored to monthly billing status until all past due amounts are paid-in-full.

(e) Accounts that become ninety or more days in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

(2) Unless otherwise provided for in rule, requests for refund fees or assessments must be submitted to the department by June 30 of the year following payment of the fee or assessment.

(3) Fees for services not listed in rule are set on the basis of the actual cost to the department of agriculture, or the most appropriate fee established by rule.

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

WAC 16-303-200 Seed program testing fees. Seed testing fees are as follows:

(1)

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
1	Agricultural Grasses	37.00	22.60	41.83	Alkaligrass, Bermudagrass, Canarygrass, Foxtail, Switchgrass, Timothy, Zoysia
2	Alfalfa & Clover	28.78	24.66	41.83	Alfalfa, Black Medic, Clover, Lupine, Milkvetch, Sainfoin, Trefoil
3	Beans	26.72	24.66	41.83	Beans
4	Beets	39.06	43.16	41.83	Beets, Swiss chard, spinach
5	Bentgrass, redtop	65.78	34.94	41.83	Bentgrass, redtop
6	Bluegrass	45.22	30.82	41.83	Bluegrass, all types
7	Brassica sp.	69.88	34.94	41.83	Brassica Species
8	Brome	47.28	24.66	41.83	Brome: Mountain, Smooth, Meadow
9	Fescue	37.00	24.66	41.83	Fescue: Tall and Meadow
10	Fescue, all others	45.22	24.66	41.83	Fescue: Arizona, Blue, Blue Hard, chewings, creeping, Hard, Idaho, Red, Sheep
11	Flax	28.78	24.66	41.83	Lewis flax
12	Orchardgrass	51.38	26.72	41.83	Orchardgrass
13	Peas and other large seeded legumes	28.78	24.66	41.83	Peas, ((other large seeded legumes)) <u>Chickpeas, Lentil</u>
14	Primrose	28.78	24.66	41.83	Primrose
15	Ryegrass	45.22	22.60	41.83	Ryegrass, (Perennial or Annual)
16	Small burnet	28.78	24.66	41.83	Small burnet
17	Sudangrass	28.78	24.66	41.83	Sudangrass
18	Vegetables	28.78	24.66	45.00	Vegetables: Asparagus, ((Cabbage,)) Cantaloupe, Carrot, Celery, ((Chard,)) Corn, Coriander, Cucumber, Dill, Eggplant, Endive, ((Kale,)) Leek, Lettuce, Okra, Onion, Parsley, Parsnip, Pepper, Pumpkin, Radish, Squash, Tomato, ((Turnip,)) Watermelon
19	Grains and Pulses	28.78	24.66	41.83	Wheat, Triticale, Sunflower, Sorghum, Safflower, Rye, Rice, Millet, ((Lentils,)) Buckwheat, Barley, Oats, ((Chickpeas,)) Vetch
20	Wheatgrass, Wildrye, other native sp.	78.12	30.82	41.83	Wheatgrass: Beardless, Bluebunch, Crested, Intermediate, Pubescent, R/S, Slender, Siberian, Tall, Thickspike, Western Wildrye

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
					Other Native Species: Echinacea, Green needlegrass, Indian ricegrass, Junegrass, Little bluestem, Needle and Thread, Squirreltail, Kochia, Penstemon, Oatgrass, Prairie sandreed, Sand dropseed, Sand Lovegrass, Sideoats grama

/1 Standard 400 seed germination test.

(2) Crops not listed in the above table will be charged by the category that they fit into.

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

WAC 16-303-210 Fees for special seed tests.

Test	Fee	Additional Information
(1) All states noxious weed examination	\$ 33.38	
(2) Dormant Seed Test	\$ 41.83	
((3)) (a) For crops requiring a 400 seed TZ as required in the AOSA rules((-))	\$ 83.66	
(b) This fee also applies to paired tests when required by AOSA rules		
((4)) (3) Brassica seed chemical identification	\$ 20.94	
((5)) (4) Cold (vigor) test for wheat	\$ 65.00	
((6)) (5) Crop or weed exam		Standard noxious amount from AOSA rules
(a) Turf-type and other small seeded grasses	\$ 38.00	Kentucky bluegrass, timothy, alkaligrass, fine-leaved fescues
(b) Small seeded legumes and medium seeded crops	\$ 44.00	Brassicas, ryegrass, tall fescue
(c) Wheatgrass and native species	\$ 50.00	
(d) Grains and pulses	\$ 22.00	
((7)) (6) Fescue seed ammonia test	\$ 30.82	
((8)) (7) Fluorescence test (400 seed test)	\$ 26.72	
((9)) (8) Miscellaneous services, samples requiring extra time, field run samples, etc.	\$ 30.00/hour	
((10)) (9) Pest and disease (phyto exam) or soil exam	\$ 34.94	

Test	Fee	Additional Information
((11)) (10) Quarantine tests on seed		
Bluegrass and Bentgrass	\$ 18.04/5 grams	
Other grasses	\$ 18.04/10 grams	
((12)) (11) Rules test--Canadian	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 24.66
Kentucky bluegrass	\$ 49.34	\$ 30.82
Bentgrass	\$ 72.47	\$ 34.94
((13)) (12) Rules test--I.S.T.A.	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 30.82
Kentucky bluegrass	\$ 49.34	\$ 30.82
((14)) (13) Moisture test	\$ 30.00	
((15)) (14) Seed Count	\$ 21.84	
((16) Outstanding) (15) Out-sourcing charge	\$ 15.00	
((17)) (16) Sod seed analysis	Bluegrass \$ 75.00 Fescue \$ 52.00 Ryegrass \$ 42.00	
((18)) (17) Sodium Hydroxide test for presence of red and/or white wheat	\$ 20.54	
	(\$ 18.04	Reported on seed analysis certificate))
((19)) (18) Undesirable grass species test (includes an all states noxious test) examination (UGS test)	\$ 70.37	

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

WAC 16-303-250 Miscellaneous charges for seed services. Fees for miscellaneous department seed services are as follows:

Service	Fee
Rush samples (including phone or FAX report if requested at time sample is submitted)	\$ 15.00
High priority sample - purity result completed before the end of the next business day. (Special circumstances only. Call ahead for availability.)	\$ 150.00
Phone reports on test result, per call	\$ 7.18
Preliminary report on germination	\$ 20.00
Additional mailing of report	\$ 5.12
	each destination

Service	Fee
Additional copies of reports	\$ 5.12 minimum fee
Revised reports	\$ 10.26 minimum (hourly fee when applicable)
Fee for special shipping and handling service, for example Federal Express, Air Parcel or air freight	\$ 3.70 plus exact shipping cost
Fee for facsimile transmission of documents	\$ ((5.39)) <u>1.00</u> per document
Mileage - additional or special requested trips	As established by the Washington State Office of Financial Management
Stand-by time - \$ 30.00/hour or travel time	Travel time to be charged when special trip is requested.
Sample envelopes	Customer will be charged the exact cost of the envelopes.

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03,
effective 9/29/03)

**WAC 16-303-310 Organization for economic cooperation and
development scheme for varietal certification (O.E.C.D.) fees.** In
addition to fees required by applicable Washington certification
rules, the following fees shall apply to all seed tagged O.E.C.D.
and is payable by the person requesting O.E.C.D. certificate. The
certifying agency may require fees paid in advance:

Service	Fee	Additional Information
O.E.C.D. certificate	\$ 15.41 each	
O.E.C.D. grow out test	\$ 65.72 each entry	No charge for control entry
O.E.C.D. assessment	cost to program	
O.E.C.D. tagging fee	\$ 0.84/cwt.	<u>All grasses except tall fescue</u>
	<u>\$ 0.51/cwt.</u>	<u>Tall fescue</u>
	\$ 0.53/cwt.	all other crops

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

WAC 16-303-320 Certification fees for seed certified by the department. (1) Fees apply to both new and renewal applications.

The seed processor is responsible for seed certification fees including sampling, testing, production and final certification fees, and may accept responsibility for any other additional fees associated with certification. Fees for services such as O.E.C.D. and sod quality, etc., are in addition to the fees listed in this section.

Seed	Applica- tion Fee 1/	<u>Seedling field inspection fee</u>	<u>Seedling producing or field inspection Fee 2/</u>	<u>Late Application Penalty Fee</u>	<u>Reinspection Fee (other than isolation)</u>	<u>Production Fee (includes tagging) 7/</u>	<u>Seed shipped Out-of-State (uncleaned)</u>
Alfalfa, Red clover, White clover and Trefoil	\$ ((23-12)) 30.00 per variety per grower	<u>\$ 50.00/field</u>	\$ 1.85/acre	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt. 5/	\$ 0.20/cwt.
Bean	\$ ((23-12)) 30.00 per variety per grower	<u>N/A</u>	\$ 1.85/acre 3/ (one inspection) \$ 3.70/acre 4/ (two inspections)	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20/cwt.
Turnip, Rutabaga	\$ ((23-12)) 30.00 per field	<u>N/A</u>	\$ 3.70/acre (two inspections)	\$ 41.00	\$ 53.44 each field	\$ 0.53/cwt.	\$ 0.20
Perennial Grasses 6/	\$ ((23-12)) 30.00 per field	<u>\$ 50.00/field</u>	\$ ((41-00)) 50.00 per field	\$ 41.00	\$ 53.44 each field	Option A \$ 0.84/cwt. for all grass except tall fescue \$ 0.51/cwt. tall fescue Option B \$ 1.17/cwt. (min. \$ 11.66)	\$ 0.31
Corn	\$ ((23-12)) 30.00 for each separate combination/or isolation	<u>N/A</u>	\$ 50.00 first acre \$ 10.99 ea. additional acre except hybrid corn \$ 4.85 ea. additional acre	----	----	-----	-----
Annual grasses	\$ ((23-12)) 30.00 per field	<u>N/A</u>	\$ 1.85/acre	\$ 41.00 per field	-----	\$ 0.42/cwt.	\$ 0.20

Seed	Applica- tion Fee 1/	<u>Seedling field inspection fee</u>	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes tagging) 7/	Seed shipped Out-of-State (uncleaned)
Rapeseed	\$ ((23-12)) 30.00 per variety per grower	<u>N/A</u>	\$ 1.85/acre (one inspection)	\$ 41.00 per grower	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20

- 1/ Seed certification application due dates can be found in WAC 16-302-050.
 - 2/ Seedling producing or field inspection fees are refundable if the acreage is withdrawn before the inspection is completed. In the case of bean seed, fees are required of seedling fields to be harvested for certification the year of planting.
 - 3/ One inspection is required for Great Northern Red Mexican, pinto, pink, and small white bean.
 - 4/ Includes windrow inspection which is required for certification of snap beans, kidney beans, and eligibility for shipment into the state of Idaho.
 - 5/ Production fees are billed at completion of laboratory analysis tests. If no seed is tagged, \$ 0.10 of the \$ 0.53 per cwt. production fee is refundable.
 - 6/ Option A: Inspection and final certification fees are based on pounds sampled and billed upon completion of required laboratory tests.
Option B: Inspection and final certification fees are based on pounds tagged after required laboratory tests are completed. Those dealers requesting sampling and tagging privileges and/or participation in Option B must sign a memorandum of agreement that shall expire on June 30 of each year. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.
 - 7/ Does not include shipping and handling charge.
- (2) Other fees associated with grass seed certification:
Out-of-state origin seed tagged with interagency certification tags.

Grass Option A:	\$ 0.31 per cwt.
Grass Option B:	\$ 0.68 per cwt.
Reissuance of cert. tags:	\$ 0.11 per tag or minimum fee of \$ 11.66